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In re Application of
CARLYON, et al.
Application No.: 10/585,987
PCT No.: PCT/US04/36339
Int. Filing Date: 01 November 2004
Priority Date: 31 October 2003
Atty. Docket No.: 1502-84PCTUSCIP
For: SAFETY SHIELD

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 13 July 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Applicant is advised that the filed declaration is not in compliance with 37 CFR 1.497 (a)-(b). Manual of Patent Examining Procedure (MPEP) Section 201.03 explains:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

Page four of the declaration lists all three inventors and contains signatures executed on July 13, 2006 from inventors Carlyon and Fiser. Page five of the declaration also lists all three inventors but was executed by inventor Tartock on December 11, 2004. In addition, the post office address and residence information for inventor Carlyon is different on pages four and five. As such, it appears that separate declarations were combined into one declaration rendering the document non-compliant.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors and payment of the appropriate surcharge is required.



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